

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. 09/945,350	FILING DATE 08/31/2001	FIRST NAMED INVENTOR Eddie Drake	ATTORNEY DOCKET NO. 2005P12937US
EXAMINER Santarelli, Dominic D.			
ART UNIT 2623		PAGE NUMBER 23	

Response Under 37 C.F.R. §1.116

REMARKS

The Examiner is respectfully thanked for the consideration provided to this application. Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner is also thanked for determining claim 64 allowable.

Each of claims 1, 2, 6, 8-10, 12, 13, 15, 18, 20-23, 25-28, 31-33, 35, 36, 38, 39, 43-47, and 49-71 has been amended for at least one reason unrelated to patentability, including at least one of: to address an informality; to correct a typographical error; to explicitly present one or more limitations, phrases, words, terms, and/or elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Support for amendments to each of claims 1, 23, 28, 31 can be found in the application as originally submitted at least a paragraph 0030 and paragraph 0038. Support for amendments to each of claims 32, 47, 49, 50, 64, 66, 67, and 71 can be found in the application as originally submitted at least a paragraph 0042 and paragraph 0067. It is respectfully submitted that no new matter has been added.

Each of claims 3, 7, 34, 37, and 72-102 was withdrawn with traverse.

Claims 1, 2, 4-6, 8-33, 35, 36, and 38-71 are now pending in this application. Each of claims 1, 23, 28, 31, 32, 47, 49, 50, 64, 66, 67, and 71 are in independent form.

I. The Statutory Subject Matter Rejections

Claim 26 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Applicant respectfully traverses this rejection as moot in light of the amendments to claim 26.

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II. The Obviousness Rejections

Each of claims 1, 2, 4-6, 8-33, 35, 36, and 38-63, and 65-71 was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of U.S. Patent No. 5,857,190 ("Brown"), U.S. Patent No. 6,918,131 ("Rautila"), WIPO Patent Number WO 98/31114 ("Grauch"), U.S. Patent No. 6,038,601 ("Lambert"), and/or U.S. Patent No. 6,469,753 ("Klosterman").

Each of these rejections is respectfully traversed as moot in light of amendments to at least each of independent claims 1, 23, 28, 31, 32, 47, 49, 50, 64, 66, 67, and 71.

Specifically, each of claims 1, 23, 28, and 31 state, yet none of the applied portions of the relied upon references teach, a device "comprising a battery backup" the device comprising "computer software comprising a software component adapted to send an event notification responsive to a determination that the computing device is no longer receiving AC power".

Each of claims 32, 47, 49, 50, 64, 66, 67, and 71, yet none of the applied portions of the relied upon references teach, a device "adapted to monitor previous displays of a specified advertisement and analyze subsequent interaction events to determine a disapproval by advertisement viewers of the specified advertisement", the device "adapted to change advertisement content responsive to the disapproval by advertisement viewers".

For at least these reasons, a reconsideration and withdrawal of each rejection of claims 1, 2, 4-6, 8-33, 35, 36, and 38-63, and 65-71 is respectfully requested.

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are in proper format and are patentably distinct from the prior art of record and are in condition for allowance.

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The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,



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